

CULTURAL MONUMENTS AND MUSEUMS ACT

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Chapter One

GENERAL PROVISIONS

Art. 1. This Act shall determine the development of museums, seeking, studying, protection and promotion of cultural monuments within the territory of the Republic of Bulgaria, in order to contribute for raising the citizens in the spirit of patriotism and internationalism and to enrich the cultural heritage.

Art. 2. (Amended, SG # 112, 1995) The cultural monuments shall be national property and shall be placed under the protection of the state. Their ownership can be state, municipal, by legal bodies and private persons.

Chapter Two

CULTURAL MONUMENTS

Art. 3. The cultural monuments shall be products of human activity that document material and spiritual culture and are of scientific, artistic and historic importance or are related to the historic and revolutionary struggles and events, with the life and activity of prominent public, cultural and scientific leaders, such as:

- (a) (Amended, SG # 112, 1995) settlements, town sections, streets, buildings, facilities;
- (b) (Amended, SG # 112, 1995) archeological sites;
- (c) (Amended, SG # 112, 1995) cult buildings and facilities;
- (d) (Amended, SG # 112, 1995) gravestones;
- (e) (New, SG # 112, 1995) items of scientific and artistic value;
- (f) (New, SG # 112, 1995) archive documents and monuments, carrying information about important historic events and processes and about the life of prominent persons;
- (g) (New, SG # 112, 1995) modern works of art once they have been added to museum funds.

Art. 4. (Paragraph 1 amended, SG # 45, 1989; SG # 10, 1990; SG # 14, 1990; SG # 115, 1995) The Ministry of Culture shall declare cultural monuments at the proposal of the National Institute of Cultural Monuments, following a mandatory consultation with the mayor of the municipality, within whose territory the respective cultural monument is located.

(Paragraph 2 amended, SG # 29, 1973; SG # 87, 1980; SG # 45, 1989; SG # 10, 1990) Settlements, containing complexes of cultural monuments and historic sites that are of special historic, archeological, ethnographic, architectural and museum importance, shall be declared reserves by the Council of Ministers at a proposal by the Minister of Culture and the Minister of Territorial Development and Construction.

(Paragraph 3 amended, SG # 29, 1973) The Ministry of Culture shall exercise supreme supervision over the reserves under the previous paragraph. All designing terms of reference, contest programs, urban development plans, plans for new construction and repairs, issuing of construction permits, and others within the reserves shall be compulsorily coordinated with the National Institute of Cultural Monuments.

(New Paragraph 4 - SG # 29, 1973; amended, SG # 87, 1980; SG # 45, 1989; SG # 10, 1990) The National Institute of Cultural Monuments with the approval of the Ministry of Territorial Development and Construction can prepare general and detailed urban development plans for settlements of historic, archeological, ethnographic and architectural and museum importance or for parts of such settlements.

(Former Paragraph 4, amended, SG # 29, 1973; SG # 45, 1989; SG # 10, 1990) For settlements and historic sites and for other sites under Paragraph 2 that are of exceptional significance to the country, the Minister of Culture and the Minister of Territorial Development and Construction shall issue joint regulations that shall be mandatory for the state authorities, for the public organizations and the citizens.

Chapter Three

MANAGEMENT AND SUPERVISION OF THE SEEKING, STUDYING AND PROTECTION OF CULTURAL MONUMENTS

Art. 5. (Paragraph 1, amended, SG # 112, 1995) The Ministry of Culture shall execute the management and supervision over the seeking, studying and protection of cultural monuments and over the museum development. The Ministry's orders on issues related to cultural monuments and museums shall be compulsory for all agencies, organizations and citizens.

(Paragraph 2, amended, SG # 112, 1995) The Ministry of Culture shall carry out this activity through its bodies, the local authority and executive authority bodies at the municipalities and other state and public bodies as provided for herein.

(New Paragraph 3, SG # 112, 1995) The Municipal Councils, mayors of municipalities, and mayors of regions and mayorships shall carry out the on-site management and supervision over the seeking, studying, protection and promotion of cultural monuments through the specialized public administration structures and through the state museums.

(New, SG # 29, 1973; amended, SG # 45, 1989; SG # 10, 1990, former Paragraph 3, amended, SG # 112, 1995) The activity related to territorial structuring and urban development surveying and designing for the purposes of protecting fixed cultural monuments shall be carried out jointly by the Ministry of Culture and the Ministry of Territorial Development and Construction.

(Former Paragraph 3, SG # 29, 1973, former Paragraph 4, SG # 112, 1995) The structure and responsibilities of the National Institute of Cultural Monuments shall be determined by a Regulation, approved by the Council of Ministers.

Art. 6. (Amended, SG # 45, 1989, SG # 10, 1990, SG # 112, 1995) The state budget funds for the activity related to protection of cultural monuments shall be distributed by the Minister of Culture in accordance with procedures, set by him.

Art. 7. (Amended, SG # 45, 1989, SG # 10, 1990, SG # 112, 1995) The museums in the Republic of Bulgaria shall be the scientific and cultural-education institutes that seek, study, collect, obtain, keep, document and popularize cultural monuments and natural samples.

The museums shall be national, regional and local. The museums' territorial scope of activity and methodical functions shall be determined by the Council of Ministers.

Museums can be owned by the state, municipalities, private persons and legal bodies.

State and municipal museums shall be legal bodies supported by the state budget. The state and municipalities shall provide the buildings needed for the museum activity.

The activity of state and municipal museums shall be determined with regulations by the Minister of Culture.

Museums shall be established and closed as follows: the state museums – through a Council of Ministers decree at a proposal by the Minister of Culture or by other state agencies in coordination with him; municipal museums and museums owned by other legal bodies – through a decision by their management following coordination with the Minister of Culture. Branches can be established and closed with the state and municipal museums in accordance with procedures, set by the Minister of Culture.

Private museums shall be established, modified and closed in accordance with procedures, set by the Minister of Culture.

Art. 8. There shall be scientific research groups with the national museums and such groups can be established with the other types of museums following the set order.

Art. 9. The museums shall be managed as follows:

- (a) (Supplemented, SG # 45, 1989, amended, SG # 10, 1990) methodically – by the Ministry of Culture;
- (b) in their scientific research activity – by the Bulgarian Academy of Sciences and the respective scientific institutes and agencies;
- (c) (Amended, SG # 112, 1995) in the administrative and organizational work – by the municipality mayor and the agency they belong with.

Art. 10. (Revoked, SG # 112, 1995)

Art. 11. (Amended, SG # 87, 1980, SG # 45, 1989, SG # 10, 1990, SG # 112, 1995) Legal bodies and private persons can establish museums, museum collections of artwork, items of scientific and artistic value and natural samples.

The order for establishing and closing of museum collections, their structure and activity shall be determined with a regulation by the Minister of Culture.

Items that have the qualities of cultural monuments and are owned by legal bodies and private persons shall fall under the protection hereof following their declaration following the order set by the Minister of Culture.

The owners of items that represent movable cultural monuments, following their declaration, can apply for assistance in their activity following the order, set for the state and municipal museums.

Production of copies of cultural monuments, their documenting through graphic, photographic, video or other similar means, as well as distribution of their images or using them for promotional or commercial purposes shall be done with the consent of their owners and following the order set by the Minister of Culture.

Chapter Four

SEEKING, REGISTERING AND STUDYING CULTURAL MONUMENTS

Art. 12. (Paragraph 1, amended, SG # 112, 1995, former text of Article 12, SG # 50, 1999) The following shall obtain the status of a cultural monument:

- (a) (Supplemented, SG # 50, 1999) fixed cultural monuments declared under the order of Article 4, Paragraph 1 and those reported by the National Institute of Cultural Monuments;
- (b) items inventoried in the museums and museum collections.

(New Paragraph 2, SG # 50, 1999) The order for declaring and reporting under Paragraph 1, item a, shall be determined with an ordinance by the Minister of Culture.

Art. 13. (Amended, SG # 45, 1989, SG # 10, 1990, revoked, SG # 112, 1995)

Art. 14. (Paragraph 1, amended, SG # 112, 1995) Persons, who have discovered or found cultural monuments, shall be obliged within one week to inform the respective municipality or mayor's office or the nearest museum.

(Paragraph 2, amended, SG # 112, 1995) Persons, who have provided cultural monuments to the museums or have provided valuable information about them, shall be granted an award following the order, set by the Minister of Culture.

Conceived cultural monuments shall be sequestered in favor of the state.

Art. 15. (Amended, SG # 112, 1995) Archaeological excavations, drillings, underwater studies, geo-physical and other studies of cultural monuments within the territory of the Republic of Bulgaria shall be carried out with the permission of the Archaeological Institute and Museum at the Bulgarian Academy of Sciences in coordination with the Ministry of Culture, and when these involve international institutes or experts – with the permission of the Council of Ministers. The terms for conducting any of the studies listed in the previous sentence shall be determined with a regulation, issued by the Minister of Culture at a proposal by the Archaeological Institute and Museum at the Bulgarian Academy of Sciences.

If during conducting the studies under Paragraph 1 damages are incurred or the integrity and condition of the cultural monuments are threatened, the studies can be terminated with an order by the Minister of Culture or officials authorized by him.

Conduct of any of the studies under Paragraph 1 shall compulsorily be coordinated with the owner of the site or of the monument.

The Ministry of Culture shall exercise control over the condition, conservation and restoration of the movable cultural monuments.

Activities related to the conservation and restoration of movable cultural monuments shall only be carried out by experts, who are licensed by the Ministry of Culture.

The terms for carrying out conservation and restoration works on movable cultural monuments shall be determined with a regulation by the Minister of Culture.

Art. 16. All cultural monuments discovered during archaeological excavations shall be state property.

(New Paragraph 2, SG # 112, 1995) The Minister of Culture shall determine the place for storing the cultural monuments under Paragraph 1.

Art. 17. Studies and excavations for the purposes of seeking cultural monuments can be carried out in lands that are owned by a public or cooperative organizations or private persons, even without expropriating the properties. For any damages incurred the owners shall be paid compensations by the body that carried out the excavations.

Art. 18. (Paragraph 1, amended, SG # 112, 1995) When during construction, development or agricultural activities finds are discovered that possess the features of cultural monuments, the work shall temporarily be stopped. The construction owners and managers shall be obliged to undertake measures for preserving the discovered find and to immediately inform the municipality and the nearest museum.

The authorities responsible for the seeking, studying and protection of cultural monuments shall be obliged within a maximum of one month to inform the property owners and the construction managers whether the find is a cultural monuments and to provide directions about the measures that need to be taken for its studying and preservation.

(Paragraph 3, amended, SG # 45, 1989, SG # 10, 1990) The Ministry of Finance shall provide credits for studying and preservation of cultural monuments, discovered during

construction work, in cases where more funds are needed than can be taken from the construction site funds.

(Paragraph 4, amended, SG # 112, 1995) If the construction site is owned by a private person, the funds shall be provided by the municipality.

Art. 19. Depending on their scientific, historical, architectural, development and artistic significance, the cultural monuments - movable and fixed - shall be categorized as:

- (a) monuments of global significance;
- (b) monuments of national significance;
- (c) monuments of local significance;
- (d) monuments of informational value;

The classification of cultural monuments shall be done by the central authorities, responsible for their preservation.

Chapter Five

PRESERVATION OF CULTURAL MONUMENTS

Art. 20. (Amended, SG # 87, 1990, SG # 112, 1995) All owners of cultural monuments shall be obliged to maintain them in good condition and to inform the specialized state and municipal authorities about any damages or activities against them that violate the law.

All owners of cultural monuments shall be obliged to provide access to them to the officials from the specialized state and municipal authorities.

The heirs of deceased prominent cultural, scientific and art activists shall provide upon request by the Ministry of Culture a complete inventory of their archives and property.

Repairs and changes to fixed cultural monuments shall only be done following coordination with the National Institute of Cultural Monuments.

The costs of emergency repairs and maintenance of fixed cultural monuments, which can not be paid by their owners, shall be covered by the municipality or the state against a mortgage of the property.

Art. 21. Studying, designing and strengthening, restoration, conservation and other works related to fixed cultural monuments shall be carried out under the management of the National Institute of Cultural Monuments. In case of construction of new sites or repairs that affect cultural monuments and their surroundings, the Institute's bodies shall have the right to stop any construction that violates the stipulations of the law. All constructions built in violation of the law shall be subject to demolition.

The funds spent for seeking and studying, surveying, designing and strengthening, restoration, conservation and other works related to fixed cultural monuments that are owned by private persons shall be covered by the state. The state shall record in its favor a lawful mortgage of the property, for which these funds have been spent, provided the mortgage does not exceed the increased value.

Art. 22. (Paragraph 1, supplemented SG # 36, 1979, amended SG # 112, 1995) Any person who learns about a damage or destruction of a cultural monument shall be obliged to report about it within 3 days to the respective municipality or mayor's office or to the nearest museum.

Persons who have prevented damages to valuable cultural monuments shall be granted an award in accordance with Article 14.

Art. 23. Cultural monuments that originate from Bulgarian territory or are related to our national history, culture and traditions, but are located abroad, shall be registered with the central authorities responsible for the protection of cultural monuments.

Chapter Six

MANAGEMENT AND PROMOTION OF CULTURAL MONUMENTS

Art. 24. Fixed cultural monuments can be used in accordance with their designation for practical purposes following the order and conditions set by the National Institute of Cultural Monuments.

(New Paragraph 2, SG # 50, 1999) For the production of goods, labels, and designer projects that bear the image of a cultural monument, permission shall be issued by the Ministry of Culture against an annual fee, whose amount shall be determined by the Council of Ministers rates.

Art. 25. (Amended, SG # 45, 1989, SG # 10, 1990, SG # 112, 1995, SG # 44, 1996, SG # 117, 1997, effective as of January 1, 1998) Rooms in building that are cultural monuments can be lent following the order and conditions set by the Ministry of Culture.

Art. 26. (Amended, SG # 112, 1995) The museums shall manage the cultural monuments preserved in their funds, in accordance with the legislative documents, issued by the Minister of Culture.

Movable cultural monuments of national significance shall be included in the National Museum Fund. The status of the Fund shall be determined with an order by the Minister of Culture, and its register shall be kept by the National Center for Museums, Galleries and Fine Arts.

The Ministry of Culture can order the transfer of movable cultural monuments from state, municipal and agency museum collections to the funds of state or municipal museums in cases of improper management, lack of opportunity for good management and in cases of closing a museum collection or a museum.

The Ministry of Culture can order that movable cultural monuments, included in the National Museum Fund, be provided by the museum in whose inventory they are recorded to another museum for temporary use or for participation in exhibitions. In such cases the museums shall be compensated following the order set by the Minister of Culture.

The recipient shall be obliged to leave a copy produced at his expense. The museum or the museum collection, which the original has been taken from, shall be paid compensation for the difference between the value of the copy and value of the original, following the order set by the Ministry of Culture.

The museums can exchange cultural monuments from the National Museum Fund only by mutual agreement and following coordination with the Ministry of Culture.

Art. 27. (Amended, SG # 112, 1995) Changes in the ownership of movable cultural monuments registered under Article 11 can be done only after informing in writing the museum, at which they are registered.

(*1) **Art. 28.** (Paragraph 1, amended, SG # 45, 1989, SG # 10, 1990, SG # 112, 1995, declared anti-constitutional by Constitution Court Decree No. 5 of 1996, SG # 31, 1996)

Partition of movable and fixed cultural monuments shall be allowed with the permission of the Ministry of Culture, provided they are fit for distribution and that would not harm their preservation as cultural monuments.

(*2) **Art. 29.** (Amended SG # 87, 1980; Paragraph 1, supplemented, SG # 112, 1995; amended, SG # 117, 1997, effective as of January 1, 1998, SG # 153, 1998, effective as of January 1, 1999) Sale, exchange, donation and bequeath of movable and fixed cultural monuments and other cultural valuables in favor of ministries, other agencies, state and public organizations shall be done without paying state fees. When inherited movable or fixed cultural monuments and other cultural valuables are donated, the heirs that donate them shall be relieved from inheritance tax for them, and if the tax has already been paid it shall be returned.

Private persons who have donated or bequeathed cultural monuments or other cultural monuments can be nominated for moral and material awards.

(*1) **Art. 30.** (Amended, SG # 112, 1995, declared anti-constitutional by Constitution Court Decree No. 5 of 1996, SG # 31, 1996)

Art. 31. (Amended, SG # 112, 1995) The export of cultural monuments abroad shall be prohibited.

The Minister of Culture can allow the export of movable cultural monuments only for a specified period and following an order set by him.

Art. 32. The cultural monuments shall have informational and educational significance.

Private persons, public and other organizations who own or use fixed cultural monuments shall provide access for their showing following the order set by the Ministry of Culture.

Art. 33. (Revoked, SG # 112, 1995)

Chapter Seven

PENAL PROVISIONS

Art. 34. (Amended, SG # 112, 1995, SG # 50, 1999) The following shall be charged a fine ranging from 50 to 1000 lv., if not subject to a more severe punishment:

- (a) (amended, SG # 112, 1995) anyone, who conducts excavations seeking antiques, treasures and other items that are subject to protection under this law, or who fails to report discovered items that possess the features of cultural monuments within the term under Article 14, Paragraph 1;
- (b) anyone, who gets cultural monuments abroad with a permit for temporary export, but fails to return them in the set term without worthy reasons;
- (c) (amended, SG # 112, 1995) anyone, who produces or orders the production of casts, copies and images of cultural monuments or distributes them in violation of Article 11, Paragraph 5;
- (d) officials and private persons, who violate the stipulations for lending rooms in buildings that are fixed cultural monuments; the imposed bans for construction or modification of cultural monuments;
- (e) anyone, who sells, donates or exchanges movable cultural monuments without the consent of state museums and the Ministry of Culture, as well as fixed cultural monuments without the approval of the National Institute, or who does not report the change of their owners;
- (f) anyone, who fails to follow the directions for carrying out strengthening and restoration activities and activities related to the protection of cultural monuments.

Art. 35. (Amended, SG # 112, 1995, SG # 50, 1999) Anyone, who in his capacity of an owner or lessor does not allow the citizens to visit fixed cultural monuments following the set order and does not allow the authorities responsible for the protection of cultural monuments to inspect their condition and to carry out other activities related to their protection, shall be charged a fine ranging from 50 to 500 lv.

(New Paragraph 2, SG # 112, 1995) Anyone, who fails to fulfill the request by the Ministry of Culture under Article 20, Paragraph 3, shall be charged the fine under Paragraph 1, if not subject to a more severe punishment

Art. 36. Damages to cultural monuments due to violations under Articles 34 and 35 hereof, shall be repaired at the expense of the violators.

Art. 37. (Paragraph 1, amended, SG # 45, 1989, SG # 10, 1990, SG # 112, 1995) The violations hereof shall be established by writs drawn by the officials under Article 5, Paragraphs 2 and 3. Based upon the drawn writs, the Minister of Culture and the municipal mayor shall issue penal statements.

The writs shall be drawn and the penal statements shall be issued and appealed against following the order set by the Penal Procedures Code.

The penal statements shall also order the expropriation of the discovered and concealed cultural monuments and the materials and tools, related to the violation.

ADDITIONAL PROVISION

(New, SG # 112, 1995)

§ 1. (New, SG # 112, 1995) The state and municipal art galleries shall have the status of the respective museums.

Art. 38. This law shall revoke Articles 75a and 75b of the Law for Planned Development of Urban Areas.

The implementation of this law shall be assigned to the Minister of Culture.

ADDITIONAL PROVISION

(New, SG # 14, 1990)

Sole Paragraph. (NEW, SG # 14, 1990) Throughout the law, the words ‘Committee of Culture’ and ‘Committee of Architecture and Urban Development’, ‘the Chairman of the Committee of Culture’ and ‘the Chairman of the Committee of Architecture and Urban Development’ shall be replaced by respectively ‘Ministry of Culture’ and ‘Ministry of Construction, Architecture and Urban Development’, ‘the Minister of Culture’ and ‘the Minister of Construction, Architecture and Urban Development’.

LAW

For Amendment and Modification of the Cultural Monuments and Museums Act

(SG # 87, November 11, 1980)

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§ 4. In Article 4, Paragraphs 2 and 4, as well as in the other texts of the law, the words ‘the Minister of Architecture and Urban Development’ and ‘Ministry of Architecture and Urban Development’ shall be replaced by respectively ‘the Chairman of the Committee of Architecture and Urban Development’ and ‘Committee of Architecture and Urban Development’.

DECREE No. 2971
For Amendment of Some Laws and Decrees

(SG # 102, December 29, 1981)

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Section V
Amendment of the Cultural Monuments and Museums Acts

§ 5. Throughout the law the words ‘Committee of Architecture and Urban Development’ shall be replaced by the words ‘Ministry of Construction and Architecture’, and the words ‘the Chairman of the Committee of Architecture and Urban Development’ shall be replaced by the words ‘the Minister of Construction and Architecture’.

LAW
For Amendment and Modification of the
Territorial and Urban Development Act

(SG # 45, June 8, 1984)

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§ 89. Throughout the Cultural Monuments and Museums Act the words ‘Ministry of Construction and Architecture’ shall be replaced by the words ‘Ministry of Construction and Urban Development’, and the words ‘the Minister of Construction and Architecture’ shall be replaced by the words ‘the Minister of Construction and Urban Development’.

LAW
For Amendment and Modification of the
Cultural Monuments and Museums Act

(SG # 112, December 27, 1995)

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§ 24. A new provision shall be added after Article 37.

‘ADDITIONAL PROVISION

§ 1. The state and municipal art galleries shall have the status of the respective museums.’

TRANSITIVE AND CONCLUDING PROVISIONS

§ 25. Throughout the law the words ‘the People’s Republic of Bulgaria’ shall be replaced by ‘the Republic of Bulgaria’.

§ 26. The following amendments shall be done to the titles of local authority bodies, used in the law:

1. In Article 4, Paragraph 1, the words ‘executive committee of the municipal people’s council, within whose territory’ shall be replaced by ‘the mayor of the municipality, within whose territory’.
2. In Article 9, item ‘c’, the words ‘the people’s councils and agencies’ shall be replaced by ‘the municipality mayor and the agency’.
3. In Article 18, Paragraph 1, sentence 2, the words ‘the people’s council’ and in Paragraph 4, the words ‘the executive committee of the respective regional people’s council’ shall be replaced by ‘the municipality’.
4. In Article 22, Paragraph 1, the words ‘of the respective people’s council’ shall be replaced by ‘of the respective municipality’.

§ 27. Throughout the law the words ‘Ministry of Construction, Architecture and Urban Development’ and ‘the Minister of Construction, Architecture and Urban Development’ shall be replaced by respectively ‘Ministry of Urban Development and Construction’ and ‘the Minister of Urban Development and Construction’.

§ 28. In Article 25 the words ‘the Leases Act’ shall be replaced by ‘the Leasing Relations Act’.

(*2) **LAW
for Private Person Taxation**

(Published, SG # 118, December 10, 1997, effective as of January 1, 1998, SG # 35, March 27, 1998 – Constitution Court Decree # 6, March 19, 1998, amended, SG # 71, June 23, 1998)

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TRANSITIVE AND CONCLUDING PROVISIONS

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§ 8. (Amended, SG 71, 1998) The private persons shall be entitled to the relieves under Article 29 of the Cultural Monuments and Museums Act and under Article 28 of this law.

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(*) (Editor’s note, NORMA) All numbers in Leva under the Cultural Monuments and Museums Act have been decreased 1000 times, in accordance with the stipulations of the Lev Denomination Law.

(*1) (Editor’s note, NORMA) by Constitution Court Decree No. 5 of 1996, (SG # 31, 1996) the stipulations of Article 28, Paragraph 1 and Article 30 of the Cultural Monuments and Museums Act have been declared anti-constitutional.

The Cultural Monuments and Museums Act was adopted by the 5th National Assembly, ninth session, second discussion on April 4, 1969.